

## TOWN OF HARWICH



BOARD OF HEALTH  
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**Town of Harwich Board of Health  
Monday, September 12, 2016-6:30 PM  
TOWN HALL – SMALL HEARING ROOM  
MINUTES**

**BOARD OF HEALTH MEMBERS PRESENT:** Chairman Dr. Robert Insley, Vice Chairman Pamela Howell, R.N., Members Frank Boyle & Cynthia Bayerl

**STAFF MEMBERS PRESENT:** Senior Health Inspector Meggan Tierney & Administrative Assistant Jennifer Clarke

**OTHERS PRESENT:** Jason Ellis, Stephanie Sequin, David Clark & Rick Judd

### **I CALL TO ORDER**

At 6:30 p.m., Chairman Insley called the meeting to order.

### **II MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – 8/17/2016**

Motion made by Ms. Bayerl, seconded by Mr. Boyle to accept the regular meeting minutes of the August 17, 2016 Board of Health meeting. 3-0-0 Unanimous.

*Pam Howell arrived at 6:35 p.m.*

### **III 6:30-7:00 PM - BOARD OF HEALTH WORK SESSION**

#### **IV 7:00- OLD/UNFINISHED BUSINESS**

**A. Hearing-Boujoukos, 39 Rainbow Way**, to consider a variance request to replace a sewage disposal system prepared by Ryder & Wilcox. **(Continued from 8/17/16)**

Variations from 310 CMR 15.227 Placement and Construction of Tees

1. Per 310 CMR 15.227: To allow the inlet elevations of the septic tank/pump chamber to be less than 12” above high groundwater.

Variations from 310 CMR 15.203 System Sewage Flow Design Criteria

2. Per 310 CMR 15.203: To allow the soil absorption system to be reduced by 2.4% (8 gpd).

Variations from 310 CMR 15.211(1) Minimum Setback Distances

3. Per 310 CMR 15.405: To allow a proposed soil absorption system to be 6.5’ from the west property line where 10’ is required. Variance request of 3.5’.

4. Per 310 CMR 15.405: To allow a proposed soil absorption system to be 3.5’ from the north property line where 10’ is required. Variance request of 6.5’.

Variations from Harwich Board of Health Regulation 1.210

5. To allow a proposed soil absorption system to be 79’ from a bordering vegetated wetland where 100’ is required. Variance request of 21’.

Chairman Insley opened the hearing. Stephanie Sequin from Ryder & Wilcox was present. This hearing was heard last month to review the application that was triggered by the recent transfer of the property. The Board had requested further

information from the applicant regarding the possibility of elevating the house. The owners spoke with their contractors and received cost estimates of around \$50,000 to lift the house. To ensure the water tightness of the septic tank, the applicant is proposing a monolithic tank with a rubber boot at the inlet. Ms. Sequin discussed the possibility of adding a secondary containment liner system. She also suggested annual inspections of the tank during the high water season, which based on historical data, are the months of September thru December. Dr. Insley stated that he would like to see the septic tank undergo a 48 hour water test during the installation. There was a lengthy discussion regarding the environmental effects of having the invert less than 12" above S.H.G.W Chairman Insley closed the hearing.

Health Inspector Tierney reported that the Health Director reviewed the revised application and agreed that elevating the house is not a feasible option. She recommended the approval of the project with the following conditions:

1. The septic tank shall undergo a 48 hour water test during installation.
2. Annual inspections of the system to be completed during the wet season with reports submitted to the Health Department.
3. The dwelling shall be restricted to a total of 3 bedrooms per the plan dated August 5, 2016 prepared by Ryder & Wilcox. No increase in number of bedrooms, flow or square footage.
4. Record deed restriction as "margin referenced" and return a copy to the Health Department.

Mr. Boyle moved to accept the recommendation of the Health Director to approve the variance request. Ms. Howell seconded the motion. 4-0-0 Unanimous.

**B. Hearing-Shelley, 62 Main Street Ext.,** to consider a request for a 3 lot definitive subdivision prepared by Cyprus Design, Inc., plan dated April 5, 2016.

Chairman Insley opened the hearing. Rick Judd from Moran Engineering was present. The proposed subdivision has been reconfigured to comply with the lot shape requirements for the Town of Harwich. As a result of the reconfiguration, 4 additional test holes were done. The proposed subdivision is not located in a Zone II. Chairman Insley closed the hearing.

Senior Health Inspector Tierney reported that Health Director Champagne recommended approval of the 3 lot definitive subdivision with the following conditions:

1. The Harwich Board of Health will not consider any variances from Title 5 or Harwich Board of Health Regulations for any of the lots.
2. The subdivision will be served by town water.
3. In order to prepare for any connection to a sewer system, a sewer line will exit the building on the street side.
4. Lot A is not a buildable lot.

Ms. Howell moved to accept the recommendation of the Health Director to consider a request for a 3 lot definitive subdivision. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

## **V NEW BUSINESS**

**A. Hearing-Fay/Powers, 20 Shore Drive,** to consider a variance request to replace a sewage disposal system prepared by J.C. Ellis Design Company, Inc.

Variations from 310 CMR 15.211(1) Minimum Setback Distances

1. Per 310 CMR 15.405: To allow a proposed soil absorption system to be 10' from the foundation wall where 20' is required. Variance request of 10'.
2. Per 310 CMR 15.248: No reserve area provided

Chairman Insley opened the hearing. Jason Ellis from J.C. Ellis Design Co. Inc., was present. Property is in the process of being transferred and hoping for a closing in a month or so. The property is an existing 3 bedroom house served by 2 cesspools. Property is surrounded by wetland and served by wells. Mr. Ellis explained the variances being requested. The basement is dry all of the time. There is a 10' difference in elevation of groundwater and the floor of the basement. Chairman Insley closed the hearing.

Senior Health Inspector Tierney reported that Health Director Champagne recommended approval of the project with the following conditions:

1. The dwelling shall be restricted to a total of 3 bedrooms as submitted on the 8/12/16 plan. No increase in flow, number of bedrooms or square footage.
2. No provisions for a garbage disposal.
3. Record deed restriction as “margin referenced” and return a copy to the Health Department.
4. Variance requests are for setbacks only and not environmental.

Mr. Boyle moved to accept the recommendation of the Health Director to approve the variance request. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

**B. Hearing-Coughlan/Ellis, Bentley Road Subdivision-Environmental Impact Report**, to demonstrate compliance with the Harwich Board of Health Regulation 1.211; for a definitive 5 lot subdivision plan; Map 81-Off Philip Ellis Way, prepared by Clark Engineering, LLC, plan dated July 29, 2016.

Chairman Insley opened the hearing. David Clark from Clark Engineering, LLC was present. They are anticipating that the 5 lots will have 5 bedroom dwellings on them. Mr. Clark presented a development plan which shows the proposed layout of the dwellings and where the potential sewage disposal systems will be located. Mr. Clark does not think that this development will have any negative impacts on the bordering resource areas. Chairman Insley closed the hearing.

Senior Health Inspector Tierney reported that Health Director Champagne recommended approval of the Environmental Impact Report dated July 29, 2016, stating that the applicant has demonstrated compliance with Harwich Board of Health Regulation 1.211 with the following conditions:

1. Development will follow the approved environmental impact report dated August 30, 2016. Each of the lots are limited to 4 bedrooms; 3,300 sq. ft. roof area; 2,000 sq. ft. pavement and 5,000 sq. ft. of lawn.
2. The Harwich Board of Health will not consider any variances from Title 5 or Harwich Board of Health Regulations.
3. The subdivision will be served by town water.
4. In order to prepare for any connection to a sewer system, a sewer line will exit the building on the street side.

Mr. Boyle moved to accept the recommendation of the Health Director. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

## VI REPORT OF THE HEALTH DIRECTOR (August 2016)

Senior Health Inspector Meggan Tierney reviewed the report of the Health Director.

- Projects-
  - Accela Permitting Software Implementation- We have been vigorously testing the public access portal for final additions/corrections/ to stay on target for our week of September 12 “go live”. We gave a live demonstration to the Town Administrator and reviewed our goals and expectations for this phase of the project. We have a training scheduled for Septic System Inspectors 4:30 PM Sept 12 to roll out the property search feature, and permit e-filing for Real Estate Transfer Inspection Reports, Trench Permits and perc/soiling testing. Huge thanks and appreciation to Meggan Tierney for her role as key employee for the Health Department on this issue. Meggan continues to devote at least 1 day per week consolidating staff identified errors/omissions/additions with program testing and negotiating improvements with the consultant.
  - West Harwich Groundwater Plume- a briefing was given to the Town Administrator, Assistant Town Administrator and BOS Chair outlining historical issues re: well contamination in Bells Neck area; concerns with the WH School reuse; Dennis port Laundry contamination and DEP groundwater and air sampling research. BOS are requesting a presentation to address residents concern of any ongoing issues /risk assessment in the area of the plume. Health Director suggested requesting an update of information utilizing the environmental consultant the town used in 2010 to augment the Directors report.
  - 2016 Beach Sampling Program- Week of August 29<sup>th</sup> was the last set of samples. Excellent season with NO closures. Sporadic high counts in a few locations, but retest numbers were always within range. A review of the data highlights a possible issue with Aunt Eddys Pond, western end. There were several exceedances this summer, with reports of an active waterfowl population. We will initiate a meeting with the pond association.
  - 2016 Swimming Pool Inspections- It was a very successful summer for our pool program. With the help of the Summer Sanitarian, Nick Spintig, we were able to inspect all pools 2-3 times this year. Violations tended to be were minor and all pool operators were cooperative with compliance. Four pools voluntarily closed

due to high chlorine levels. A re-inspection or verification from the CPO allowed each pool to re-open within 24 hours.

- Resilient Farms- It was brought to our attention by a resident that a farm was being established at 35 Chatham Rd. Building, ConCom and Health have met with the owner Barry Viprino and Jim Knieriam, farm manager. The MGL for farm exemption changed in recent years lowering the threshold from 5 to 2 acres. To promote our agricultural heritage, this law exempts farming from zoning by-laws and regulations. Fine at 5 acres- potentially problematic at 2 acres in residential neighborhoods. There are numerous conservation issues to be resolved and an approvable farm plan must be filed. The farm vision includes aquaponics fish and vegetables, livestock- bovine, goat, pig, and rabbits. Raising of turkeys with an onsite mobile poultry processing unit (MPPU) is planned. I have been researching BOH oversight and 2 items will be subject to hearings and review- the establishment of a piggery and the MPPU. Currently we are working on the retail food permit to sell the finished product. –see enclosures for notices and background on the farm issue
- **Food Service Program**
  - A new residential kitchen permit was applied for and inspected; *Craig Cyr Personal Chef*. Mr. Cyr is planning on making baked goods and delivering them to his clients. The kitchen was inspected and approved for use pending BOH approval of the permit.
  - The *Cape Cod Claddagh* kitchen was inspected and approved for use for the remainder 2016. Many updates were made to the kitchen to make it more compliant with the Food Code and it was thoroughly cleaned as well.
  - A prospective new owner of the space currently occupied by *Frozen Yogurt on the Half Shell* was in to discuss a new food service business. The Yogurt shop is planning on closing for good and the new owner wishes to begin a retail sushi establishment. This is still in the initial phase and will require a full review once plans are more solid.
- **RET's/ Sewage permit review – outstanding issues**
  - *Mabel Canto Way*- return to compliance completed- washing machine drainage connected to system- completed
  - *Belmont Condominiums*- walk thru of 2 units for RET, #BR compliance. This is an ongoing issue with the Townhouse units. All of them have fully furnished basements –most completed at time of construction- w/out any records on the building permits. Many of them are fully furnished with multiple rooms being used as bedrooms. They do not meet health, safety and fire codes for bedrooms. In addition, there is no calculation for these rooms in the septic system. This issue was not identified by inspection authorities until 2015 despite numerous RET's since 1988 adoption of the BOH regulation. Floor plans filed are the stock plans from the marketing brochures. We will work with each unit as they come to market to identify and resolve floor plan issues.
  - *39 Rainbow Way*- walk-thru for variance research for BOH- # BR, expansion plans; verify utilities.
  - *88 Gilbert Rd*- RET- basement finished w/out permits- return to compliance completed
  - *23 Old Homestead*- RET- potential 5 bedroom on 4 BR system in Zone II- walk-thru clarified floor plan- deed restriction for 4 BR + approved floor plan recorded – completed
  - *18 Hiawatha Rd*- RET- basement finished w/out permits; BOH variances w/ restrictions. Walk thru clarified floor plan. Owner to file for building permits –resolved
  - *123 Miles St*- #BR issue for addition- walk-thru. Owner to remove 1 BR from main house to allow 1 BR in accessory building- resolved
  - *9 South St*- RET- # BR- potential 3 BR not on building permits - walk thru clarified floor plan- deed restriction for 2 bedrooms recorded-resolved
  - *57 Wyndemere Bluff Rd*- damage restoration-#BR not as per approved plan- walk-thru verified- return to compliance plan needed for 3 BR or enlarge system
  - *66-69 Route 28- Quarters Condominiums*- RET – ongoing noncompliance issues- we have met with owner Mr. Khorikian several times to advance compliance. We have recently intervened by contacting the selected designer to verify a contract and to enlist results.
  - *Camelot, LLC*-former Dino's block- RET- noncompliance issued for sale of property w/out benefit of a real estate transfer inspection
- **MISC.**
  - *Tobacco permit*- “Fully Baked Smoke Shop” – inspection completed. Applicant requested to expand current permit to include a humidor for cigars.
  - *718 Main St*- housing code deficiencies- final re-inspection – deficiencies corrected-resolved

- *Emergency Planning*- working with Emergency Manager to reestablish communication drills. Goal this year is to establish drills via an automatic online program. Drills required as part of state & Fed requirements for emergency preparedness.
- *Employee Flu Clinic*- working on dates for October, utilizing our own Volunteer medical Corp with Town nurse and County Public Health Nurse as medical officers/oversight

**VII CORRESPONDENCE**

No correspondence was discussed.

**VIII PERMITS**

ESTABLISHMENT	ADDRESS	TYPE
<b>FOOD SERVICE</b>		
Bell's Bloody Mix	4 Skipper Shea Drive	Retail: Less than 5000 sq. ft.
<b>Craig Cyr Personal Chef (new)</b>	118 Headwaters Drive	Limited Food Service
Inn on the Beach	16 Bank Street	Limited Food Service
Muddy Mary's Gourmet Inc.		Event Permit
<b>Resilient Family Farms (new)</b>	35 Chatham Road	Retail: <600 sq. ft. (Not Primary Business)
<b>BATHING BEACH</b>		
Stonehorse Yacht Club	2 Harbor Road	

Mr. Boyle moved to approve the permits as per the list dated September 12, 2016. Mr. Boyle moved to approve the permit for Resilient Family Farms pending receipt of a valid serv-safe certification. Ms. Bayerl seconded the motion. 4-0-0 Unanimous.

**IX OTHER**

No other items were discussed.

**X ADJOURN- The meeting adjourned at 7:40 p.m.**

Mr. Boyle moved to adjourn. Ms. Howell seconded the motion. 4-0-0 Unanimous.

**Submittals of the meeting are part of the permanent record.**

**Respectfully Submitted,**

**Jennifer Clarke**

**Next meeting is Tuesday, October 24, 2016 at 6:30 p.m. in the small hearing room.**